

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

EARNEST J. FILES, # 107834, )  
Petitioner, )  
v. ) CIVIL ACT. NO. 3:20-cv-1023-ECM  
KENNETH PETERS, *et al.*, ) (WO)  
Respondents. )

**MEMORANDUM OPINION and ORDER**

On November 8, 2022, the Magistrate Judge entered a Recommendation that the Petitioner's habeas petition be denied as time barred (doc. 17) to which no objections have been filed. Upon an independent review of the file, upon consideration of the Recommendation, and for good cause, it is

ORDERED that the Recommendation of the Magistrate Judge is ADOPTED, the petition for writ of habeas corpus is DENIED, and this case is DISMISSED with prejudice because the petition was filed after the expiration of the statute of limitations in 28 U.S.C. § 2244(d).

Done this 6th day of January, 2023.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE